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Judicial Branch Furloughs & 100-Hour Employees Transitioning to 80 Hours FAQs: July 27, 2012

Q: How will my pay be calculated during furlough pay periods?

A: Furloughs are scheduled for Aug. 6, Sept. 4 and Oct. 15, 2012. The same formula will be used as the formula used to calculate leave without pay. The semimonthly salary divided by the number of hours in the pay period provides the hourly rate for that pay period. The Aug. 1-15 pay period has 82.5 hours, the Sept. 1-15 pay period has 75 hours and the Oct. 1-15 pay period has 82.5 hours. The hourly rate will be multiplied by the number of furlough hours. This provides the gross (before tax) amount that will be docked from pay for that pay period.

Q: Which paychecks will be affected?

A: The Aug. 6 furlough date occurs during the Aug. 1-15 pay period and will be reflected on the Aug. 30 paycheck. The Sept. 4 furlough date occurs during the Sept. 1-15 pay period and will be reflected on the Sept. 30 paycheck. The Oct. 15 furlough date occurs during the Oct. 1-15 pay period and will be reflected on the Oct. 30 paycheck.

Q: Are there any exceptions to the mandatory furlough days? Can other dates be chosen instead?

A: No. The dates have been set by the Supreme Court and cannot be changed.

Q: I am a 100-hour part-time employee with benefits. What will happen to my benefits if I do not work 100 hours in a furlough month? How will this affect my insurance, months of service and annual and sick leave accruals?

A: Employees must either work or use paid leave balances for an average of 100 hours each month to be eligible for benefits (annual and sick leave accruals and months of service credit). However, per Supreme Court Order 2012-06: "The hours a Court of Justice employee is placed on furlough during a pay period shall not result in the loss of eligibility for any benefit or leave otherwise due the employee."

This means that 100-hour part-time employees with benefits must work or use paid leave balances for a minimum of 95 hours during the furlough months (August, September and October) to retain benefits, accrue leave time and receive credit for months of service. Failure to work or use paid leave balances for 95 hours during each furlough month will result in the loss of benefits (annual and sick leave accruals and months of service credit).

Q: How many hours may I work during a furlough week?

A: If you are a full-time employee, you may work or use paid leave balances for no more than 30 hours during the furlough weeks of Aug. 5-11 and Oct. 14-20. You may work or use paid leave balances for no more than 22.5 hours during Sept. 2-8, the furlough week containing the Labor Day holiday.

If you are a 100-hour part-time employee with benefits, you may work or use paid leave balances for no more than 20 hours during the furlough weeks of Aug. 5-11 and Oct. 14-20. You may work or use paid leave balances for no more than 15 hours during Sept. 2-8, the furlough week containing the Labor Day holiday.

If you are an 80-hour part-time employee without benefits, you may work or use paid leave balances for no more than 16 hours during the furlough weeks of Aug. 5-11 and Oct. 14-20. You may work or use paid leave balances for no more than 16 hours during Sept. 2-8, the furlough week containing the Labor Day holiday. Part-time employees without benefits are not required to reduce their hours during the week in which the holiday falls because they do not receive paid holiday leave.

Appointing authorities may authorize any work schedule as long as employees are not required to work on the furlough days and they do not exceed the hours for the work week as mandated by the Supreme Court.

Q: If I work a flex schedule, do I have to revert to a standard work schedule (Monday –Friday, 8 a.m.-4:30 p.m.) during a furlough week?

A: The easiest way to manage time during a furlough week is to revert to a standard work schedule but that is not mandatory. Each appointing authority can decide whether to require employees to revert to a standard work schedule during a furlough week.

Appointing authorities may authorize any work schedule as long as employees do not work on the furlough days and do not exceed the hours for the work week as mandated by the Supreme Court.

Q: Is Labor Day still a paid holiday, even though it falls within a furlough week?

A: Yes. Labor Day is on Monday, Sept. 3, 2012, and is still a paid holiday. The furlough date that week is Tuesday, Sept. 4, and it is unpaid.

Q: If I work on the Labor Day holiday, how many hours can I work the rest of the week?

A: Full-time employees may work or use paid leave for no more than 22.5 hours during the Labor Day holiday week. 100-hour part-time employees with benefits may work or use paid leave for no more than 15 hours during the week of the Labor Day holiday. 80-hour part-time employees without benefits may work no more than 16 hours during the furlough week.

Example #1: A full-time employee works four hours on Sunday, Sept. 2, 2012, and nine hours on Labor Day, Sept. 3. How many hours may be worked the rest of the week?

A: Four hours worked Sunday plus nine hours worked on the holiday plus 7.5 paid holiday hours plus 7.5 unpaid furlough hours for full-time employees equals 28 hours.

37.5 scheduled work hours for a full-time employee minus 28 total hours, including hours worked, paid holiday hours and furlough equals 9.5 hours. In this scenario, the employee may only work 9.5 more hours the remainder of the week.

Example #2: A 100-hour part-time employee with benefits works four hours on Sunday, Sept. 2, 2012, and nine hours on Labor Day, Sept. 3, 2012. How many hours may be worked the rest of the week?

A: Four hours worked Sunday plus nine hours worked on the holiday plus five paid holiday hours for part-time employees with benefits plus five unpaid furlough hours for part-time employees with benefits equals 23 hours.

25 scheduled work hours for a part-time employee with benefits minus 23 total hours, including hours worked, paid holiday hours and furlough equals two hours. In this scenario, the employee may only work two more hours the remainder of the week.

Example #3: An 80-hour part-time employee without benefits works four hours on Sunday, Sept. 2, 2012, and nine hours on Labor Day, Sept. 3, 2012. How many hours may be worked the rest of the week?

A: Four hours worked Sunday plus nine hours worked on the holiday plus four unpaid furlough hours for part-time employees without benefits equals 17 hours. Note that employees without benefits are not paid for holidays, so paid holiday time is not factored in.

20 scheduled hours for a part-time employee without benefits minus 17 total hours, including hours worked, paid holiday hours and furlough equals three hours. In this scenario, the employee may only work three more hours the remainder of the week.

Information for 100-Hour Part-Time Employees With Benefits Transitioning to 80-Hour Part-Time Employees Without Benefits

Q: I am a 100-hour part-time employee with benefits. How will my accrued leave hours be handled after June 30, 2013?

A: If you accept an 80-hour part-time position without benefits, all leave balances (annual, sick, comp and holiday) will transfer to the new position. Although you may no longer accrue annual or sick leave, you will be allowed to use your accumulated leave balances in accordance with already established policies and procedures.

If you decline the 80-hour part-time position without benefits, then the payout procedures for leave upon separation will apply. Please contact the Department of Human Resources if you are a 100-hour part-time employee with benefits and you plan to decline the 80-hour part-time position without benefits. The payout procedures will depend on whether you leave employment with the Kentucky Court of Justice, you retire or you transfer to another state agency.

Q: How will this affect my retirement?

A: Kentucky Retirement Systems advises employees to contact KRS directly concerning any questions about their retirement. KRS can be reached at 800-928-4646 or www.kyret.ky.gov.

Q: How will the transition of 100-hour part-time employees with benefits to 80-hour part-time employees without benefits be handled on June 30, 2013?

A: On June 30, 2013, all 100-hour part-time positions with benefits will be abolished. In May 2013, all 100-hour part-time employees with benefits will receive a written offer to accept an 80-hour part-time position with no benefits, effective July 1, 2013. If the employee accepts the position, he or she will be placed in an 80-hour part-time position with no benefits on July 1, 2013. If the employee declines, the Kentucky Court of Justice layoff procedures will apply.

Q: If I am a 100-hour part-time employee with benefits, will I be able to participate in the Flexible Spending Account from January to June 2013? What will happen to the FSA on July 1, 2013?

A: Yes. You may still sign up for an FSA if you are in part-time with benefits status during open enrollment. If you sign up for an FSA for 2013, it will stop on June 30, 2013, when benefits end. Any money in the FSA account can be used to reimburse expenses through June 30, 2013. You will have until March 31, 2014, to submit claims incurred during the active benefit period, which is Jan. 1, 2013, to June 30, 2013. Any unused monies will be forfeited.

Q: Will I still be able to contribute to my deferred compensation account following the change?

A: You must contact the Kentucky Deferred Compensation Authority at 800-542-2667 or <http://kdc.participant-connection.com/> for answers to questions regarding deferred compensation.